## DEBATE IN THE SENATE.

THE COMPROMISE BILL.

FRIDAY, JUNE 28, 1850.

On the motion of Mr. CLAY, the Senate resumed the consideration of the special order of the day, being the bill to admit California as a State into the Union, to establish Ter-ritorial Governments for Utah and New Mexico, and making proposals to Texas for the establishment of her western and northern boundaries.

The pending question was on the amendment of Mr. Souls. Mr. DAVIS, of Mississippi. Mr. President, when the ments to Senators in relation to the amendment proposed by the Senator from Louisiana. That amendment is in accordance with a compromise which once gave peace to the country during a period of intense excitement, and resulted from a desire to save the Union from danger, with which it was thought to be seriously threatened. I cannot believe the danger was as imminent then as it is now. Then there were Senate adjourned yesterday I was about to offer some state-ments to Senators in relation to the amendment proposed by ger was as imminent then as it is now. Then there were patriotic hearts in Congress from every section of the country hat came to the rescue upon this vital question. Does suc patriotism exist in the present Congress as was found in that of 1820? Are there not those around me who will meet this question with the devoted patriotism which the crisis demands, and, if need be, sacrifice themselves to the good of their country? If any other plan shall be presented which I believe would be final, would terminate this distracting controversy, would be final, would terminate this distracting controversy, and restore the fraternity that existed among our fathers, I would make whatever personal sacrifice such a plan would embrace. At an early stage of the present session I indicated my belief that the extension of the Missouri compromise was the only basis upon which a settlement could be made, and all that has transpired from that day to this has served to confirm me in that onlying. I was among these who supported firm me in that opinion. I was among those who supported the raising of this committee, not that the bills then before the Senate should be combined, but with the hope that it would bring in a measure of adjustment, compromise, or settlement which would receive from me an approbation which I could not give to those bills. The hope that something would be presented to us upon which we could all unite has met a grievous disappointment. Though it is not my purpose now to detain the Senate by a general examination of the bill, I may be permitted to say that I have found in its heterogeneous features nothing to command my support as a Southern man, or as one who desires the restoration of fraternity to this republic. I see in it no termination of those elements of dis-cord which now disturb us. I see beyond it the same questions which now exist. Beyond it I see a higher excitement than that which surrounds us, and the distant vista is enveloped in a gloom from the contemplation of which I turn sor-rowful away. When the Missouri compromise was adopted in 1820, as we were told yesterday, that sage and patriot, Mr. Jefferson, said it was but a reprieve. Such, sir, it has proved. The reprieve has expired, and its extension is denied. Now the measure is considered too extreme a concession from the North, which then they enforced on the South. Now we, the minority, are to be brought at once to execution. Shall we submit, or shall we resist? This is a question to which freemen can give but one answer. Whatever may be the result, I, for one, feel myself bound to maintain, by every means at my command, those constitutional rights which I am here to represent. If evil shall result from my course, upon the head of others must rest the responsibility. ever sad may be its consequences to myself, if it is my fate to fall, I shall retain in my misfortune the conscientious conviction of having done my duty as a representative, a patriot, and as an honest man.

In the remarks I propose to offer upon this question, I shall direct myself to other considerations than those broad and ge-

neral views which have been presented by others, and proba-bly will be presented again. I shall contend for this amendment as a measure of expediency, as a measure which is written by the hand of nature upon the surface of the country for which we propose to legislate; a measure which is indicated by the character of the people for whom we are about to provide governmental organization, and demanded by soil, climate, and productions, agricultural and mineral. The fathers of this country were neither so universely and the second of the country were neither so universely and the second of the country were neither so universely and the second of the country were neither so universely and the second of fathers of this country were neither so unwise nor so profane as to deny the overruling Providence, whose interposing hand was often felt in shaping the destiny of the infant republic. And if there be a special interposition—a guardian care over us still—I think it is manifested in the identity of the geographical and political considerations for the renewal of the com-pact, the extension of the line of 36° 30', which is now preented. Never were political considerations more fully maintained by geographical reasons. In looking at the map of California, as it was remarked by the Senator from Louisisna, its unnatural boundaries most forcibly strike the eye. Extending over impassable mountain barriers, including in one government plains which can have no other connexion, and embracing the whole sea coast, as if the frontier were marked out for an empire instead of a State of the Confederacy; as though its purpose was to have a distinct international policy, to assume the command of the whole commerce of the Pacific, and of those vast countries which lie beyond it, and to control the naval stations on the Pacific, which greatly tended to create a desire for its acquisition by the United States. Here we see a country, backed by snow covered mountains, a broad valley, with two rivers to water, and a coast-plain connected one side the Sacramento, and on the other the San Joachin, coming from-the north and the south to pour their treasures into the great entrepot of the country, the harbor of San Francisco, their common and only receptacle. As well might we expect that the country watered by the Sacramento would be united to the valley of the Willamette, and become part of the Territory of Oregon, as that the country south of the waters of San Joachin would be included in the State of California. Other motives no doubt combined with this reason to induce the Delegates of that part of the Territory to object to the formation of a State constitution, and the first operation of which, as I learn from my correspondence in that country, has had such effect that in most of the towns south of San Luis Obispo they have held public meetings for the purpose of petitioning Congress for a Territorial organization and Gov-

But to return to the point which I promised to consider, the geographical arguments for this political line of 36° 30'. At the intersection of this parallel with the sea, as I am informed, the coast range of mountains terminates in a bold promontory, that overhangs the ocean; thence eastward it passes over desert mountains, crosses the arid plain of the Monterey river, and enters the valley through which the San Joachin flows, south of the permanent tributaries of that river, passing between its southern branches and those of the I ske Tulares; which, it is represented to me, does not, as is usually shown on the maps, regularly flow into the San Joachin, but only does so when in time of freshet the flats to its north, extending to the San Joachin, are overflowed. Shut out from the sea breeze, this plain is represented as having almost tro-pical heat, and as being fully occupied by a quiet, harmless race of fishing Indians, to whom the country is particularly adapted. But if it ever passes into the hands of those who require commercial ports, they must be sought in the South stance and facility of route leave no doubt that San Pedro and San Diego, not San Francisco, must be the ports of this section. Then, am I not sustained when I say that the hand of nature has written this line upon the country in characters which might have been read before it was possessed by

But, again, the line of 36° 30' divides the pastoral and agri cultural, the semi-tropical country from the mining and the grain-growing regions of the north. South of this line no has proved productive. North of it, are the placers which have, as by magic, drawn together the men who seek to constitute this State. Leaving Monterey, which is about six miles north of this parallel of 36° 30', and following the valley of the Monterey river, we pass through a country only saved from the name of desert by the dilapidated missions which were established by the kindness of New Spain, when the country was under the viceroyalty. For one hundred miles continue high arid plains, unsuited for cultivation or any other purpose than for wide ranging flocks and herds. Passing into the basin of Lake Tulares, there is a plain which is watered by small streams from the mountains, and which now supports a considerable population of peaceful Indians, who have a high claim to the protective hand of Congress, which it requires no argument to show may be most effectively extended under a territorial government. For causes before stated, the climate is such that no white man can work in the man can work the climate is such that no white man can work in the man w in the sun. This country now, inhabited by an inoffensive, and, to some extent, agricultural people, is unsuited to the white race, unless it possess servile labor. But if we confine our attention to the coast, where the refreshing sea breeze mitigates the climate, then throughout this same extent you find down to San Luis Ob spo the mountains running

warlike and with fixed habitations, to the laws of California and the aggressions of reckless men? Or shall we extend that protection of the Federal Government over them which a Territorial Government will best enable us to give. In times past the United States have suffered bitter reproaches from their policy towards the natives they found on this continent; reproaches not always just, indeed quite undeserved, as was beautifully demonstrated by the Senator from Michigan (Mr. Cass) many years ago, if we compare our conduct with that of other nations, who have exercised control over the aboriginal tribes of this continent.

The strong, far-reaching arm, and uninterrupted policy of the General Government, undisturbed by questions of State sovereignty, may govern to protect these tribes, in the new and even unsettled condition of California. It is to be feared the reverse would be the case if the country were included in her limits; that aggression would be followed by hostility, to end in their destruction. But, sir, there is another race, with

rai race of Mexicans, which inhabited the country when we acquired it, occupying extensive tracts of fand; and we have reason to believe they are about to be driven from their possessions by the legislation of California. It is not to be neglected or forgotten that the present Governor of California, as we have learned through the press, announced as his policy a taxation of the lands, which would compel these rancheros to sail their remembers. taxation of the lands, which would compel these rancheros to sell their possessions. A tax, such as would not be felt in a mining or even a farming district, would be destructive to a pastoral population. This is the natural fruit of legislation by those who have an opposite interest, and no sympathy with the others, for whom they make laws. Is this a protection of property, which we guarantied in the treaty of Guadalupe Hidalgo? Is this the kindness which those people have a right to claim from the Government of the United States? Or is it not a gross set of injustice to the people who is not a gross set of injustice to the people who is not a gross set of injustice to the people who is not a gross set of injustice to the people who is not a gross set of injustice to the people who is not a gross set of injustice to the people who is not a gross set of injustice to the people who is not a gross set of injustice to the people who is not the people who is Or is it not a gross act of injustice to the people who, ignorant of our institutions, have confided in our guardian care, and whom it is our duty to protect?

Then, Mr. President, whether we consider this question in relation to the soil and climate, or in relation to the great

characteristics of the physical geography, a division of the country is equally demanded. Whether we consider the country is equally demanded. Whether we consider the question with reference to the present interests, or the future interest and well-being of those who now or who are hereafter to inhabit those countries, it is equally clear that South California should be organized into a distinct political community, under laws enacted with reference to the Mexicans who inhabit it, and to whom we owe protection, kind and spe-cial in proportion to their helplessness. For this we ought to retain the powers which a Territorial Government secures to us over this country, that we may shield it from the inappropriate or hostile legislation of the men of Northern California.

Mr. President, we are told that it is the will of the people to which we should bow. Do the proceedings of the convention prove that? I know not that any one has full and accurate information in relation to that subject. From such knwledge as I am able to glean, I believe that the people of South California were reduced to the alternative of sending delegates to that convention to take part in its proceedings, or of seeing if it proceed to establish the fundamental law of their country without their co-operation or advice.

And, sir, there is another instructive statement in relation to

this matter. That these delegates, when they left their homes to attend this convention, uniformly contended against a State organization, and in favor of a Territorial Government. We find them, one after another, yielding to different views, un-der what influences I am unable to say; but it is to be remarked that a large proportion of the members received advantages,

or received offices, from the action of the convention to which they were delegates. But, again: Mr. President, to decide how far this is the will of the people, it is proper to inquire what part of the population took part in those elections. I compare two towns for the purpose of illustrating that fact. Los Angeles, with a population of about five thousand people, gave about seven-ty-five or eighty votes, while San Diego, a little village composed of a dozen adobe ports, gave a vote of one hundred and fifty or upwards. Then, sir, the question arises, how did that happen? The answer is twofold: Los Angeles is one of the districts still inhabited by the population acquired with the country; they did not choose to become parties to this conven-tion; and therefore it was that their vote was so small, although no expedient was left untried, an officer having been sent as a special agent to induce them to take part in the proceeding.
All was done that could be done to get them to vote for delegates, with only such success as is shown by the election return. The explanation in the other case is different. A body of men for the survey of the boundary and a military escort had just arrived and were encamped in the vicinity of the little village, when they heard of an election. True to the instinct of our countrymen, they were ready for a canvess. The boundary commission and the army each put up their candidates. And then the struggle commenced between them to send a delegate to this convention, which was to assume sovereignty over territory of the United States, and to determine the fundamental law of a country they had never seen.

The contest was of doubtful issue, when a vessel came to in the offing, and more or less of the crew and passengers were immediately brought in, as I learn, to decide it, by their votes, in favor of the boundary commission. And then a body of dragoons, stationed some distance in the country, were sent They came in. They too assisted by their votes to elect a candidate who was one of the military escort; and thus an the convention, which has claimed to measure the rights of American citizens in their own country. Was this the will of the people? Was this the sovereign will, to which it is said that Congress must bow, or was it an unauthorized interference of men who had no legitimate or permanent connexion with the matter they presumed to decide

Now, sir, looking into the constituent material of that convention, we meet there, instead of Mexican inhabitants, instead of Americans, who had gone there with the intent to remain citizen emigrants, seeking a new home, seven officers of the New York regiment, sent out there by this Government for military porposes, three officers of the United States army, two or three officers of the navy of the United States, a few Mexicans who could not speak English, and some of our citizens who were said to have gone there to aid in the organization of the Government. The residue was composed of persons of whom it may be supposed a part were permanently identified with the country—how great a part I will not pretend to say. But I would ask of Senators how many they suppose of those persons they have known to emigrate to California went there with the intent to remain? It is not enough to say they will probably never carry out their intent to re-turn, because, to qualify them to found the institutions of the country, they should have had at the time a fixed purpose in their mind to make that country their home. This could not be the case with those who a few months before had gone there merely to collect gold and return to the United States. There is another test. How many had taken their families with them '—that best guaranty of an intent to become per-

manent residents.

Mr. President, it comes, then, to this point : whether sojourners, persons travelling, with no permanent interest or lo-cality in the country—soldiers, sailors, or Government em-ployes, who chance to be present, are qualified to lay the foundations of a State, and decide on the institutions which shall prevail among generations yet unborn '
But, sir, there is something further to be offered to those

on whom these considerations make no impression. Taking the population according to all the ordinary estimates, it was Americans in the country, and Mexicans to whom we are bound to extend special protection, had no connexion what-ever with this convention. Are we still to be told that its proceedings embody the expression of the will of the people of California. These, Mr. President, are the facts which come to light upon an analysis of this remarkable proceeding; and these facts are such as not only amply to justify the amendment of the Senator from Louisiana, (Mr. Soulz,) but which would entirely justify us in treating this constitution as a nullity, and proceeding to the formation of a Territorial Govern-ment for the people who inhabit our western territory. I am not one of those, Mr. Prseident, who can be, with any

of these who was willing then, as I am willing now, to admit them as a State, so soon as they come here regularly, with proper qualifications, and ask for admission. But I am also one of those who claim a conformity with the precedents which have existed since the foundation of the Government, and which are necessary to secure considerations of far higher imverse can only exist by force of local law, and with that is conportance than any which concern the ascendency of a particu-

confine our attention to the coast, where the refreshing sea between sheeze mitigates the climate, then throughout this same extent you find down to San Luis Ob spo the mountains running close upon the sea, the streams short, and the valleys narrow. Here then are excitered, some fifteen or twenty miles narrow. Here then are excitered, some fifteen or twenty miles narrow. Here then are excitered, some fifteen or twenty miles narrow. Here then are excitered, some fifteen or twenty miles narrow. Here then are excitered, some fifteen or twenty miles narrow. Here then are excitered, some fifteen or twenty miles narrow. Here then are excitered, some fifteen or twenty miles narrow. Here then are excitered, some fifteen or twenty miles narrow. Here then are excited the seans short, and the valled power of the parallel of 36° 30′ was to supply the inhabitants with Indian corn and beans, which seems to be all that the country produces.

To the south the coast plain widens, the mountains are depressed, gaps are found connecting the plains above with those which slope down to the sea, until the rige ceases and the broad plain of Los Angeles opens to the view. Here, where the keen blasts of the north are checked by sheltering mountains, and the sloping plains face the sun, we pass at once into a tropical climate. This is the land of the grape, of cotton, of maize, of the clive, and the sugar cane. Here, so far as cultivation exists, that cultivation depends upon irrigation and upon servile labor. It is a curious fact that we find here a race of Indians who pass at once into aervility. Who, from their complexions and characteristics, rather seem of Asiatic origin than to be decended from the same parent stock as the wild and free tibes who were found in the country of the United States. The country to the southeast of these mountains has been but little explored; it is in the possession of a more settled and warlike tribe of mer, and it is beautiful to the possession of a more settled and warlike tribe of mer, and it is beau

We he had to keep down upon the west side of the Sierra Nevada

there is no interference to prevent their exercise of all its func-tions. Indeed, some portions of the army and navy of the Uni ed States are kept there for their benefit. They claim, in order to enable them to carry on their State govern-ment, the aid of the Federal Government. With what face, then, do they talk, or others for them, of their secoding from the United States and setting up a government of their own.
Why, sir, it is idle. They need the protection of this Government, and I wish them to have it, not the less because they

It asserts that the laws of Mexico made the military commandant ex officio civil Governor:

"The undersigned, in accordance with instructions from the Secretary of War, has assumed the administration of civil affairs in California, not as military Governor, but as the executive of the existing civil government. In the absence of a properly appointed civil Governor, the commanding officer of the department is, by the laws of California, ex officio civil Governor of the country, and the instructions from Washington were based on the provisions of these laws. This subject has been misrepresented, or at least misconceived, and currency given to the impression that the government of the country is still military. Such is not the fact. The military government ended with the war, and what remains is the civil government recognised in the existing laws of California."

Now, that rests on the doctrine which has been put forward

Now, that rests on the doctrine which has been put forward here that the Mexican laws are in force in the But, so far as I can learn, there was never any such law as that proclamation appeals to. In this same volume is contained a digest of these laws, and I will read one section which be-

digest of these laws, and I will read one section which belongs to this case, and I believe decides it:

"In temporary default of the Governor, another shall be
named ad interim, in the same manner as the proper one. If
the default should be of short duration, the senior (mas antiguo)
lay member of the departmental legislature shall take charge
of the Government, as he shall in like manner do during the
interval which may take place between the default of the
Governor proper, and the appointment of his successor ad
interim."

Then, sir, it was the oldest member of their Legislature who became Governor ex officio when the office was vacant. It was the oldest member of the departmental legislature who should have succeeded. If, indeed, the civil government which pre-existed the acquisition of that territory by the United States continued, why should not the Mexican governor have resumed his duties with the restoration of peace, with their laws in force and their officers restored to their functions?

life from political incubation here.

But the Senator from Massachusetts assumed another pos

t covered the country in which Gen. Riley had ordered dele gates to be elected. They considered themselves bound, therefore, to adopt that boundary, and they did not even claim in relation to the Territories, unless the South are effectually

fitably used in this country. Why, sir? Do white men pacification; I desire settlement; I wish to see the legislation work in the burning suns of south California? Are not the of the country go on again in its peacetul channels. I wish products there of that tropical character which, in our more temperate climate, demand slave labor? Those valleys—now. it is true, to a great extent, desert—were once prolific of products which form the staples of the Southern States. Even now, amid the ruins of the old missions, are to be found aqueducts that conveyed the waters from the mountains, and irrinow, amid the ruins of the old missions, are to be found aqueducts that conveyed the waters from the mountains, and irrigated and fertilized the plains. Wherever water is found in sufficient abundance, our enterprising people will develop the appailities of the country, and it will again be covered with the profitable productions to which its soil and climate is the other in such manner as to destroy the fraternity which is the other in such manner as to destroy the fraternity which is the other in such manner as to destroy the fraternity which is the other in such manner as to destroy the fraternity which is the other in such manner as to destroy the fraternity which is the other in such manner as to destroy the fraternity which is the other in such manner as to destroy the fraternity which is the other in such manner as to destroy the fraternity which is the other in such manner as to destroy the fraternity which is the other in such manner as to destroy the fraternity which is the other in such manner as to destroy the fraternity which is the other in such manner as to destroy the fraternity which is the other in such manner as to destroy the fraternity which is the other in such manner as to destroy the fraternity which is the other in such manner as to destroy the fraternity which is the other in such manner as to destroy the fraternity which is the other in such manner as to destroy the fraternity which is the other in such manner as much as any other specture in the other in such manner as to destroy the fraternity which is the other in such manner as to destroy the fraternity which is supposed the daily pass the division of the territory into two Territories or power, much less the will, to make this urjust and odious discrimination between California and all the other States of the division of the territory into two Territories or power, much less the will the honorable member allow me to ask if he the storage in the circles of private property within her limits. Have you the suppose the division of th the profitable productions to which its soil and climate is adapted. It may become the rival for the growth of long staple cotton, which is now produced on the sea islands of the Union, enough to fill every American's United States. So far as we are able to learn, it is, of the leart with the desire to come to the rescue, in order that he consin, and Michigan. The people of those States have had only about one fifth of the population of California which took part in this proceeding, either to elect delegates or to ratify the constitution they formed. What then? Four-fifths of the country become great in its agricultural resources, if permitcountry become great in its agricultural resources, if permitted to introduce that species of labor which can bear the scorching of a tropical sun? Now, they have it in the copper-colored Indians, who readily pass into a servile condition, and serve for the irregular demand which is made upon them for the present limited cultivation; but after those changes which we must soon anticipate, whence are they to draw the labor required for that climate save from the slaves of the United States? Without these that country must long remain uncultivated. I will not now repeat what I have heretofore said of our right to transfer this species of labor to that country, and the consequences which would result from it. But, leav-ing all that where it has been placed and remains unshaken by argument, I propose to inquire what is the position in re-lation to this set of measures which I and those who think

with me occupy.

We of the South have claimed equality of right in nected, following as effect from cause, the prohibition of the

nent population of the country, and because it was inserted, as is too plainly apparent, to yield to the anti-slavery dictation of the American Congress. What would it advantage the South if we could insert in this constitution a provisionary clause to admit slavery ' If it be true that the people, the soil, the climate are all opposed to it, what could it, under such circumstances, advantage us, or what could it injure you. If, under such a condition, any man should undertake

But the man who opposes it as a matter of policy, and at day. It is to be found in the act of Congress authorizing the the same time asserts that it could not exist, that no law people of the Territory of Alabama to form a constitution, could introduce it and keep it there, must have a strange mode of reasoning, or a want of that sincerity which we have a right to expect in discussion here. But suppose that the constitution of California had contained a clause permit-conditions, upon the acceptance of which Alabama was to be could introduce it and keep it there, must have a strange ting slavery, how then would the case stand? Would those who opposed the organization of a Territorial government have voted for the admission of a State into the Union with country, lest it should give some advantage to slaveholders in the Territories-would they, I say, with such a provision in sitions to the new State, "for her free acceptance or rejection the constitution as I have supposed, have voted for the admission of California? No, sir, their past conduct too plainly shows the contrary. Yet these are the same who arraign South-ern men for a position assumed upon different ground, and attribute to them the purpose to prescribe it because slavery is pro hibited. Now, as heretofore, I claim that our attitude is de fensive; I maintain that we are merely contending for our concentrational rights, and contend for even less than our constitutional rights, and ask that that contract under which we stitutional rights, and ask that that contract under which we have existed for thirty years shall be renewed. That doctrine the other donations provided for in the compact. Her admission and that is, that the United States held these public lands and that is, that the United States held these public lands and that is, that the United States held these public lands and that is, that the United States held these public lands and that is, that the United States held these public lands and that is, that the United States held these public lands and that is, that the United States held these public lands and that is, that the United States held these public lands and that is, that the United States held these public lands and that is, that the United States held these public lands and that is, that the United States held these public lands and that is, that the United States held these public lands and that is, that the United States held these public lands and that is, that the United States held these public lands are the united States held these public lands and that is, that the United States held these public lands are the united States held the united Sta fensive; I maintain that we are merely contending for our is denounced as ultra. Ultra in what? Is it beyond the faith heretofore pledged to us—beyond the compact made for the advantage of one section to our disadvantage? Is it beyond

The Senator from Louisiana has unconsciously fallen into the constitution, which secures equal privileges to every citizen? What is it beyond? Will any man tell me it is ultra

tion which I wish to notice. He stated, in exact opposition to all those geographical facts which I have presented, that if we had the power to arrange this boundary we could not make the extremes met? They meet upon the ground that it is dispute about the boundaries kept her out of the Union is proper to say what they mean—to tell the country, plainly, nearly two years. The usual grants of land and other donavery surprising indeed if a convention, without any know-ledge of the country for which they were to establish a gov-ernment, should chance to fall upon the best boundary that could be established. It would be strange if they could do it willing to be found. But beyond this there is no conjunction.

the taking from Texas her just domain. But what power has gates to be elected. They considered themselves bound, therefore, to adopt that boundary, and they did not even claim to inquire what limits Nature had prescribed. Now, sir, are excluded by this bill; that this same discord may not continue; to shut out all sources of information, and adopt the boundaries of the State which Gen. Riley happened to select as that from which he would call delegates to the Convention?

The considered themselves bounds, and they did not even claim in relation to the Territories, unless the South are effectually in relation to the Territories, unless the South are effectually right to do that than you have to reserve the privilege of constitutions, workshops, and other property that this same strife may not go beyond this measure? No one can say thus, and not shut his eyes to passing events in the other States in the Union. If you make that reservation in relation to private property with the view of taxing it for the benefit of the United States, you will deprive the strong two five wounds that we have had held up before us. I desire the State of California of the chief source of revenue for the suptive of the united States, you will deprive the state of California of the chief source of revenue for the suptive of the united States over the suptive of the United States, you will deprive the State of California of the chief source of revenue for the suptive of the united States over the suptive of the United States, you will deprive the State of California of the chief source of revenue for the suptive of the united States of California of the chief source of revenue for the suptive of the United States over th of the country go on again in its peacetul channels. I wish property, as I apprehend they are, you have a right to reserve again to stand with my brother Senators without a conflicting them and collect the rents for the benefit of the United States. opinion of such a character as to disturb kind relations. I But if they were private property, as the Senator from wish again to look upon this broad land without seeing the papers of one portion of the Union discussing the affairs of the other in such manner as to destroy the fraternity which is too by the State of California as much as any other spectrum. heart with the desire to come to the rescue, in order that he might sid, by head, by hand, and by heart, for the adoption ample experience in this system of leasing the public lands.

It was found to be injurious and ruinous to the country where

Mr. DOUGLAS. I shall be very brief in the reply which I have to make to some points in the speech of the Senator from Louisiana, and I shall advert only to those in which he addressed himself to me directly and specifically. He has controverted the history that I gave the day before yesterday of the legislation of Congress in regard to the admission of new States into the Union, not by denying the truth of any on fact which I stated, nor by showing that the facts were not fairly brought to the notice of the Senate, but he has discovered, as he supposes, one new fact which overthrows the whole. He admits, as I understand, that Tennessee was brought into the Union without any compact being formed with her at the time of her admission of the Senator by the argument he has advanced. Then, sir, what is the discovery be has made which enables him to say that there was a compact with the people of Tennessee which reserved to the United States their rights in the soil and domainion over the public lands? He telle us that the ordinance of 1787 was extended over that country. That is very true. that there was a compact with the people of Tennessee which reserved to the United States their rights in the soil and dominion over the public lands? He tells us that the ordinance of 1787 was extended over that country. That is very true. I have the law here. The act of the 26th May, 1790, provides that the ordinance for the government of the people of the territory northwest of the Ohio shall extend to the territosouth of that river. Mr. D. read the act to 'the Senate.

assented to and adopted by both parties. It is true that the ordinance purports upon its face to be a compact, but it was never submitted to the people of those States and Territories for ratification. It was never adopted by the people of Ohio, Indiana, Illinois, Michigan, and Wisconsin, or either of them. Congress prescribed it to them as the charier of their Territorial Governments, and they acquiesced in it, during their Territorial condition, the same as they did in all other acts of ment, and I wish them to have it, not use ment, and I wish them to have it, not use ment, and I wish them to have it, not use ment, and I wish them to have it, not use ment, and I wish them to have it, not use ment and it wish them to have it, not use ment and it wish them to have it, not use ment and it wish them to have it, not use ment and it wish them to have it, not use ment and it wish them to have it, not use ment and it wish them to have it, not use ment and it wish them to have it, not use ment and it wish them to have it, not use ment and it wish them to have it, not use ment and it wish them to have it, not use ment and it wish them to have it, not use ment and it wish them to have it, not use ment and it wish them to have it, not use ment and it wish them to have it, not use ment and it wish them to have it, not use ment and it wish them to have it, not use ment and it wish them to have it, not use ment and it wish them to have it, not use ment and it wish the ment of the state of california. Both reserve to me could they so that he would lose his property.

It asserts the mean and the state of california. Both reserve to the could they ask than that they should be sent to a country the State of California. Both reserve to the could they ask than that they should be sent to a country of the State of California. Both reserve to the could they should be sent to a country of the State of California. Both reserve to the could they should be sent to a country of the State of California. Both reserve to the could they should be sent to a country of the State of California. Both reserve to the could they should be sent to a country of the State of California. Both reserve to the could they should be sent to a country of the State of California. Both reserve to the could that he would lose his property.

It asserts the must, Is say, be wanting in sincerity when the Convention of the state of California at the state of California and the state of California and the state of California and the state of Califo tion. A constitutional right is a substantial thing, because of its sacred character and the possible consequences of the public lands, in addition to the ordinance. That is very permitting a breach at even the least important point. admitted into the Union, or to be excluded, if she rejected them. Her admission was not made dependant upon the acceptance of those propositions. The first section of the act provided for her admission into the Union unconditionally, upon an equal footing with the original States, in all respects whatsoever. Then the sixth section submitted certain propo-If she accepted them, she was in the Union, and if she reected them, still she was in the Union [Here Mr. Douglas read the sixth section of the act to the

The only effect of the rejection of these propositions would have been that Alabama would have forfeited her rights to the sixteenth section for schools, the two townships for a semi-

the same mistake in regard to the compacts with other States.

With the exception of Louisiana and Mississippi, which I fully explained the other day, none of them were required to American emigrants would have realized the full force of this doctrine.

But here, sir, is proof of the fallacy of the whole foundation of this argument for the supremacy of Mexican laws. No one relied upon it; no one has been willing to follow his argument to the conclusion to which it leads. Else why was not the legislature of the departments of California called together? No man believed it then. The thing has received life from political incubation here.

Zer What is it beyond? Will any man tell me it is ultra to ask that a compact to assert our constitutional rights—ultra to ask that a compact to claim that the retained—ultra to claim that be assented to as conditions of admission, but simply as the terms upon which they could receive their school lands and one relied upon it; no one has been willing to follow his argument to the conclusion to which it leads. Else why was not the legislature of the departments of California called together? No man believed it then. The thing has received life from political incubation here.

Serve for Mexicolar that the subram and Mississippi, which I to assert our constitutional rights—ultra to ask that a compact the other day, none of them were required to be assented to as conditions of admission, but simply as the terms upon which they could receive their school lands and to Florida and Iowa, I have only to remark, that, by reference and the south have met, and that the subram and the south the exception of Louisiana and Mississippi, which I to assert our constitutional rights—ultra to ask that a compact to claim that the very and the other day, none of them were required to be assented to as conditions of admission, but simply as the terms upon which they could receive their school lands and to should enjoy could receive their school lands and to should enjoy could receive their school lands and to should enjoy could receive their school lands and to should enjoy could receive the other donations usually made to new States. In regard to Florida and Iowa, I have only t ections were made to the boundaries of Iowa, and she was Iowa entered into the usual compact, while Florida has never done so to this day. I repeat, therefore, that the history of our legislation upon this subject stands precisely as I present-

> might aid, by head, and by heart, for the adoption of some plan for the final settlement of this question, so fruitful of evil and threatening in its present aspect? Could such a plan be brought forward, I would be one of the first to labor for it, and one of the last to grow weary of toil in such a cause.
>
> Mr. SOULE next occupied the attention of the Senate for about an hour, in support of his amendment. This specch is not yet ready for the press.
>
> Mr. DOUGLAS. I shall be very brief in the reply which it. The property? Certainly not. The moment the title of the United States and regulations respecting the territory or other property? Certainly not. The moment the title of the United States and regulations respecting the territory or other proamendment nugatory and useless. A compact between California and the United States cannot deprive an individual of his rights of property which have already become vested, and been reduced to possession. Toking either view of the subject, therefore, I see no reason for changing the opinions which

the territory and other property of the United States, and the government of the soil of that territory is the united States and the said of the territory is the united States and the said of the territory is the united States and the said of the territory is the united States and the said of the territory is the united States and the said of the territory is the united States and the said of the territory is the united States and the said of the territory is the united States and the said of the territory of Louisiana under the treaty with Prance. Thus it was that we derived our title to all those to countries. These deeds of cession and treaties are our title to all those to countries. These deeds of cession and treaties are our title to all those to countries. These deeds of cession and treaties are our title to all those to countries. These deeds of cession and treaties are our title to all those to countries. These deeds of cession and treaties are our title to all those to countries. These deeds of cession and treaties are our title to all those to countries. These deeds of cession and treaties are our title to all those to countries. These deeds of cession and treaties are our title to all those to countries. These deeds of cession and treaties are our title to all those to countries. These deeds of cession and treaties are our title to all those to countries. These deeds of cession and treaties are our title to all those to countries. The contribution which authorizes Congress to make needful rules and regulations for the disposal of the subject anew. The question really between us, as a plansion of what I have heretofore said than as a discussion of the subject anew. The question really between us, as a published in our last.

whether in adopting it we should not be consulting and the service of the service and the States and Territories northwest of the Ohio river, question as a question of law, he is kind enough and fair easented to and adopted by both parties. It is true that the enough to admit that the decision would be against him.

Mr. SOULE. Will the Senator allow me to say that what I stated was that if we were in another forum the authori-quoted by the distinguished Senator would carry with greater weight than it would be entitled to in this body.

Mr. WEBSTER. Let me ask why should that authori Mr. WEBSTER. Let me ask why should that authority, if quoted to day in the Supreme Court, have any greater respect or weight attached to it than if quoted here? The suggestion of the honorable member was that this a political question. It is just the question which has been decided in the case referred to. It is no question of expediency, no question of wisdom or folly, of prudence or imprudence in matters of political concern. It is just exactly a question of public law. It turns of the effect of the treaty with Spain of 1798, upon the provisions of the constitution and the acts of public law. It turns of the effect of the treaty with Spain of 1798, upon the provisions of the constitution and the acts of Congress admitting Alabama into the Union. That is a judicial question emphatically, a question of high public law; and is just exactly the same question here to-day that it was when before the Supreme Court. And, however we decide it here, if dispute arises about it, it must go back before the same tribunal, to be there again adjudged. It is, therefore, no question of political expediency, as I have said, and no question of what is wise or unwise; but a question of constitutional law, and that question has been decided by the highest tribunal in this Government. And it has been decided highest tribunal in this Government. And it has been decided as, I should have said yesterday, and perhaps did say, not upon any ground of conflict between the sovereign power in this Government and the sovereign power in a State Govern-ment. Not at all. The court rejected that ground. The court proceeded upon the idea that the local sovereignty necessarily had control over all lands lying within its limits, except so far as it had parted with that control to individuals, and except so far as the United States, by virtue of the con-

stitutional power of Congress, retained control over the public domain lying within such State.

The honorable member has said, with great propriety, that if I separate the useful domain from the sovereignty, why then the useful domain may enure to individuals, as well as to Governments; and the gentleman will remember that I said the very same thing yesterday, in just so many terms. But then the gentlemen seems to alarm us by the danger of this construction. He says it would enable this Government to grasp all the lands lying within a State and establish a Federal tenantry within that State. I think the grasp of the disposal. The language of all our history, of the cessions, the ordinance, the constitution, and all the laws, is in accordance with this idea. The United States held the lands, not to cultivate, not to lease, but simply to sell or dispose of. They pro-tect the lands till sold or disposed off; and there their acthority ends; and every acre, when sold comes under the proper dominion of the local sovereignty.

The honorable member thinks I did him some injustice in

omitting to notice what was contained in his amendment in respect to the mines. I certainly did not intend any injustice, or any omission. But it struck me that the question was just the same in regard to the mines as in regard to the ordinary lands which the United States obtained from Mexico by the treaty. What is true of one must be true of the other. Whatever was the Government right in Mexico, either to the lands or mines, passes to the Government of the United States. Whatever right, in lands or mines, had passed from the Government of Mexico into private ownership, remains in such ownership, exactly as if the severeignty had never been changed. ownership, exactly as if the severeignty had never been changed. Now, it is of no sort of consequence to this argument, or the question arising in this case, what were the laws of Mexico; whether derived from Spain or established by her own sovereignty, after she had been separated from Spain. So far as private rights were vested in lands or mines they will remain vested, and every thing that still adhered to the sovereignty of Mexico has passed to the United States, to be disposed of as willing to be found. But oeyond this, at the first guess; and it would be stranger still if, after varying with every extraneous pressure thus received, they should finally by chance settle upon the boundary best suited to the formation of the State. First, in ignorance of the fact that the people of Deseret had formed a government, it was prosed to include that country. Then a boundary was adopted, including part of the country beyond the mountains, and it appears that the Belief existed that the Sierra Nevada run it appears that the belief existed th tocontinue to hold them. The fionorable member's amend-rement proposes that California shall not obstruct or impede any control which the United States may wish to exercise over citizen of the United States resident in the country. Sir, in that be the case, let me ask what right have we to reserve from California the privilege of controlling and regulating private property within her limits? You have no more right to do that than you have to reserve the privilege of control which the United States may wish to exercise over the mining region. Need we take a bond from California that she will not interpose her power to obstruct the constitution and laws of the United States? Any thing done, or to

ed by their dissent.

The honorable member alludes, again, to what he consider a possible danger, of great magnitude to the rest of the Union, from the large boundaries assigned to California; since he thinks there may be within these boundaries one, or two, or three millions of people at some time to come. Pray, Mr. President, will the honorable member allow me to ask if he portant one; that I saw danger, and great danger, likely to arise from further delay in admitting California into the Union. Mr. President, I will detain the Senate no longer than

The honorable member from Louisiana thinks these decisions of the court are obitur dicta. They were the precise

seen, on the questions controverted here to-day.